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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/544,400	04/06/2000	Thomas R Packwood	J532-002 US	8791

21706 7590 11/05/2003

NOTARO AND MICHALOS  
100 DUTCH HILL ROAD  
SUITE 110  
ORANGEBURG, NY 10962-2100

EXAMINER

AKERS, GEOFFREY R

ART UNIT	PAPER NUMBER
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3624

DATE MAILED: 11/05/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/544400

Applicant(s)

Pachwood

Examiner

Alors, g

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 10/20/03.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

51-53, 55-61, 63

- 4) ☒ Claim(s) 1-3, 7, 12, 14-21, 23, 25, 27-31, 35, 40, 42-49 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 7, 12, 14-21, 23, 25, 27-31, 35, 40, 42-49, 51-53 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some\* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

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## DETAILED ACTION

### *Response to Request for Continued Examination(RCE)*

1. This action is issued in reply to applicant's Amendment A(Paper #10) filed and Request for Continued Examination(Paper #9) both filed on 10/20/03.
2. Claims 1-3,7,12,14,15,18,23,25,27,29,35,40,42,51,55,56-57,61,63 were amended. Claims 4-6,8-11,13,22,24,26,32-34,36-39,41,50,54,62,64-65 were canceled. No new claims were added.
3. Claims 1-3,7,12,14-21,23,25,27-31,35,40,42-49,51-53,55-61,63 as amended, are pending.

### *Claim Rejections - 35 USC § 103*

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-3,7,12,14-21,23,25,27-31,35,40,42-49,51-53,55-61,63 are rejected under 35 USC 103(a) as unpatentable over Alexander(1996)(vol 1)("Risk Management & Analysis) in view of Tran(6,202,060) and further in view of May(US Pat. No: 6,421,653).
6. As per claims 1-3,7,12,14-21,23,25,27-31,35,40,42-49,51-53,55-61,63 Alexander teaches a risk assessment system( pages v-vi)) which identifies a plurality of risks affecting an operation being managed (page viii)(Pages 209-222) and determining actual risk levels values for the risk factors(Pages 125-236) which can be acceptable or unacceptable(p. 161)(p. vi)(pages

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245-267). Alexander further teaches the risk reporting and management system wherein there are risk levels(pages 12-40)(pp v-vi). Alexander also teaches tax efficiency, regulatory efficiency(p 106) as well as balance sheet management(Sect 10.5) as well as front,middle,back office management(p 210-216) which is characteristic of running businesses. Alexander addresses financial as well as business risk models.Alexander cites the various risk models incorporating Monte Carlo simulation(p 204), measures of risk paradigm(p 225). Alexander also teaches tax efficiency, regulatory efficiency(p 106) as well as balance sheet management(Sect 10.5) as well as front,middle,back office management(p 210-216) which is characteristic of running businesses also. Alexander is concerned with financial as well as business risk models.Alexander does not specifically teach generation of spreadsheets. Tran teaches generating spreadsheets which form basis of risk management assessments and reports(Fig 22/512)(Fig 6)(Fig 17) as well as editing saving memo reports(Fig 20) and displaying reports(Fig 27/588)(Fig 28/601) which includes information analysis relating to competition and stakeholders and analysis of financial health which is risk assessment analysis(col 35 lines 52-56).Tran also teaches searching(col 35 lines 59-62) for stakeholder information(col 35 line 54) and financial health assessments as well as displaying reports including such information(Fig 27)(Fig 22) as well as project planning tools functionality(col 5 lines 46-50). Tran teaches generating spreadsheets which form basis of risk management assessments and reports(Fig 22/512)(Fig 6)(Fig 17) as well as editing saving memo reports(Fig 20) and displaying reports(Fig 27/588)(Fig 28/601) which includes information analysis relating to competition and stakeholders and analysis of financial health which is risk

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assessment analysis(col 35 lines 52-56).Tran further teaches displaying results(Fig 25) and spreadsheet analysis(col 2 lines 51-61).Tran also teaches searching(col 35 lines 59-62) for stakeholder information(col 35 line 54) and financial health assessments as well as displaying reports including such information(Fig 27)(Fig 22) as well as project planning tools functionality(col 5 lines 46-50). It would have been obvious to one skilled in the art at the time of the invention to combine Alexander in view of Tran to teach part of the disclosure. The motivation to combine is to teach a data management system utilized for spreadsheets, project planning, and risk analysis as enunciated by Tran(col 2 lines 12-15).Tran does not specifically teach a color coded system to display risks. May teaches a color coding methodology for transactions related to credit preferences of entities which is related to the default risk and displays risk factors(Abstract)(Fig 1-34)(col 5 line 64-col 6 line 15).May further teaches a credit group(Fig 11) as well as credit preference definition(Fig 24)(Fig 25) and risk positions from entities(Fig 28) and taking into account credit preferences(Fig 29) as well as updating credit and commensurate risk profiles(Fig 33).It would have been obvious to one skilled in the art at the time of the invention to combine Alexander in view of Tran and further in view of May to teach the disclosure. The motivation to combine is to teach a risk assessment and management method for identifying financial risk factors and to generate a display for a color coded analysis of the business risks associated with conducting business with designated entities and which enables parties to effectuate credit based transactions based on a color coded risk assessment system as enunciated by May(col 5 lines 20-25).

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***Response to Arguments***

7. Applicant's arguments with respect to claims as delineated above have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

8. **THIS ACTION IS MADE NON-FINAL.**

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9. Any questions concerning this communication should be addressed to the primary examiner of record, Dr. Geoffrey Akers, P.E., who can be reached between 6:30 AM and 5:00 PM Monday through Friday at 703-306-5844. If attempts to contact the primary examiner are unsuccessful, the primary examiner's superior, Mr. Vincent Millin, SPE, may be telephoned at (703)-308-1065.

The fax number for Formal or Official faxes and Draft or Informal faxes to Technology Center 3600 or this Art Unit is (703)-308-3687. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703)-308-1113.

GRA

October 31, 2003

**DR. GEOFFREY R. AKERS, P.E.  
PRIMARY EXAMINER**